

Appl. No. 10/042,999
Amdt. dated August 27, 2004
Reply to Office action of June 10, 2004

REMARKS/ARGUMENTS

Applicants received the Office Action dated June 10, 2004 in which the Examiner: (1) allowed claims 24-70 and 73-76; (2) concluded claims 4, 6-7, 9-11, 15, 17-18, and 21-23 are allowable if rewritten in independent form; (3) rejected claims 1-3, 8, and 71 as anticipated by Bell (U.S. Pat. No. 4,554,628); and (4) rejected claims 5, 12-14, 16, 19-20, and 72 as obvious over Bell allegedly in view of Applicants' admitted prior art. In this Response, Applicants amend claims 1, 3, 7, 12, 21, 71, and 72 and cancel claim 2.

Applicants amended claim 1 to recited that "abused contenders" are those contenders that, "after at least a dynamically modifiable predetermined number of attempts to gain access to the limited resource, have failed to gain access to the limited resource." Applicants do not find any teaching or suggestion whatsoever in Bell of a dynamically modifiable number of attempts to gain access to a resource as dictating how to classify a contender as abused. Paragraph 7 of the Office Action indicates that the Examiner would be in agreement with this point of distinction. Accordingly, Applicants respectfully submit that claim 1 and all claims that depend from claim 1 are allowable. The amendment to claim 1 prompted cancellation of claim 2 and amendments to the dependency links of claims 3 and 7.

Applicants amend claim 12 to add "maintaining a history of the abused devices that acquire the splinlock." This added limitation came from dependent claim 21 which, consequently, has been amended to remove the "maintaining a history" limitation. Applicants do not find any teaching or suggestion whatsoever in Bell of this limitation added to claim 12. As such, Applicants believe claim 12 and all claims that depend from claim 12 are allowable over the cited art.

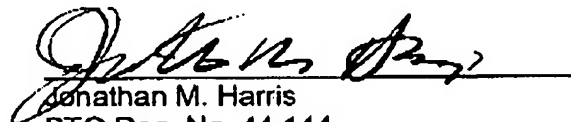
Applicants also amend claims 71 and 72 to require that the predetermined number of attempts to gain access to the resource is a "dynamically" predetermined number of attempts. Applicants do not find any teaching or suggestion whatsoever in Bell of classifying contenders based on a dynamically predetermined number of attempts to gain access to the resource. As such, claims 71 and 72 are allowable over the cited art.

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In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400